

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA	§	
	§	
V.	§	NO. 4:20-CR-00269-Y
	§	
ERIC PRESCOTT KAY	§	

**FUNDING MOTION #1
DEFENDANT'S MOTION FOR
AUTHORIZATION OF TRANSCRIPT ORDER**

TO THE HONORABLE TERRY R. MEANS,
DISTRICT JUDGE, NORTHERN DISTRICT OF TEXAS:

COMES NOW Eric Prescott Kay, Defendant in the above styled and numbered cause, by and through his attorney of record, Cody Cofer, and files this application for prior authorization for compensation for services other than counsel— preparation of court reporter's record and transcription from electronic recordings. Defendant makes this request pursuant to: 18 U.S.C. § 3006A(e); the United States Constitution Amendments V, VI, and XIV; and *Ake v. Oklahoma*, 470 U.S. 68 (1985). In support, Defendant shows the following:

Defendant is indigent, and Defense Counsel was appointed as CJA Attorney. (ECF 158). Defendant's case is currently scheduled for sentencing for October 11, 2022, at 10:00 AM. (ECF 161). Objections to the presentence report (PSR) are due August 18, 2022. (ECF 161) Defendant's sentencing materials

must be filed no later than September 8, 2022. (ECF 161).

The records and transcripts of previous proceedings are necessary for counsel to evaluate sentencing matters, including objections to the PSR and a motion for variance.

Defendant moves the Court to order:

1. The preparation of the transcript for the proceedings listed below;
2. Delivery of the prepared transcript to Defense Counsel within 30 days; and
3. The court reporter or reporting service to claim compensation directly on Form CJA 24 (Authorization and Voucher for Payment of Transcript). *See* CJA Guidelines § 320.30.10.

Defendant requests the transcripts of the following proceeding:

Date	ECF	Description
02/07/2022	125	Proceedings held before Senior Judge Terry R Means: Pretrial Conference - Court Reporter: Debbie Saenz
02/08/2022	127	Proceedings held before Senior Judge Terry R Means: Jury Trial - Court Reporter: Debbie Saenz
02/09/2022	128	Proceedings held before Senior Judge Terry R Means: Jury Trial - Court Reporter: Debbie Saenz
02/11/2022	129	Proceedings held before Senior Judge Terry R Means: Jury Trial - Court Reporter: Debbie Saenz
02/11/2022	130	Proceedings held before Senior Judge Terry R Means: Jury Trial - Court Reporter: Debbie Saenz

02/14/2022	134	Proceedings held before Senior Judge Terry R Means: Jury Trial - Court Reporter: Debbie Saenz
02/15/2022	135	Proceedings held before Senior Judge Terry R Means: Jury Trial - Court Reporter: Debbie Saenz
02/16/2022	136	Proceedings held before Senior Judge Terry R Means: Jury Trial - Court Reporter: Debbie Saenz
02/17/2022	142	Proceedings held before Senior Judge Terry R Means: Jury Trial - Court Reporter: Debbie Saenz
05/17/2022	155	Proceedings held before Magistrate Judge Jeffrey L. Cureton: Motion Hearing - Court Reporter: Digital File

Should the reporters' records have already been prepared, Defendant moves the Court to authorize expenditure of funds for obtaining copies of the referenced transcripts. Defendant requests the Court grant this motion without hearing. However, Defendant requests the Court not deny this motion without an in camera hearing. *See* CJA Guidelines § 310.30.

WHEREFORE PREMISES CONSIDERED, Defendant prays that in the above referenced and entitled cause, the Court order the preparation of the transcripts for the proceedings identified.

Respectfully submitted,

/s/ Cody L. Cofer

Cody L. Cofer

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Attorney for Eric Prescott Kay

CERTIFICATE OF CONFERENCE

Counsel conferred with the attorney for the Government. The Government does not oppose this motion.

/s/ Cody L. Cofer
Attorney for Eric Prescott Kay

CERTIFICATE OF SERVICE

I certify that on June 13, 2022, I served on the Government a copy of this pleading by use of the Court's electronic case filing system.

/s/ Cody L. Cofer
Cody L. Cofer
Attorney for Eric Prescott Kay